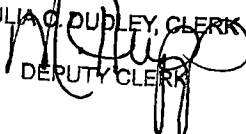


AUG 22 2017

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

BRIAN DAVID HILL,

Plaintiff,

v.

EXECUTIVE OFFICE FOR
UNITED STATES ATTORNEYS, *et al.*,

Defendants.

Case No.: 4:17-cv-00027

ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

On July 19, 2017, Magistrate Judge Robert S. Ballou entered an order denying Plaintiff's motion to issue several subpoenas to parties not named in this suit. [ECF No. 32]. On July 24, 2017, Plaintiff filed a Notice of Interlocutory Appeal as to Judge Ballou's order. [ECF No. 33]. That appeal remains pending. On August 1, 2017, Plaintiff filed a Motion to Reconsider the Magistrate Judge's Order under Fed. R. Civ. P. 72(a). [ECF No. 37]. Because this exact question is currently before the Fourth Circuit Court of Appeals, I have no power to grant Plaintiff any relief. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Until the Fourth Circuit resolves Plaintiff's appeal, this Court has no jurisdiction "over those aspects of the case involved in the appeal." *Id.* Accordingly, Plaintiff's Motion is **DENIED**.

The clerk is directed to forward this Order to Plaintiff and all counsel of record.

Entered this 22nd day of August, 2017.


SENIOR UNITED STATES DISTRICT JUDGE